

02-05-02

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UTILITY PATENT APPLICATION TRANSMITTAL

Attorney Docket No. **S11-2627-U-C5**
First Inventor **EASTERBROOK, Eric T.**
Title **METHOD AND APPARATUS FOR IMPROVING THE FATIGUE LIFE OF COMPONENTS etc**
Express Mail Label No. **ET896335314US**

(Only for new nonprovisional applications under 37 CFR 1.53(b))

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

- ☐ Fee Transmittal Form (e.g., PTO/SB/17)
(Submit an original and a duplicate for fee processing)
- ☒ Applicant claims small entity status.
See 37 CFR 1.27.
Specification [Total Pages **112**]
(preferred arrangement set forth below)
- Descriptive title of the invention
- Cross Reference to Related Applications
- Statement Regarding Fed sponsored R & D
- Reference to sequence listing, a table, or a computer program listing appendix
- Background of the Invention
- Brief Summary of the Invention
- Brief Description of the Drawings (if filed)
- Detailed Description
- Claim(s)
- Abstract of the Disclosure
- ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets **50**]
- ☐ Oath or Declaration [Total Pages **1**]
a. ☐ Newly executed (original or copy)
b. ☐ Copy from a prior application (37 CFR 1.63 (d))
(for continuation/divisional with Box 18 completed)
i. ☐ **DELETION OF INVENTOR(S)**
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(c)(2) and 1.33(e).
- ☐ Application Data Sheet. See 37 CFR 1.76

ADDRESS TO: Assistant Commissioner for Patents
Box Patent Application
Washington, DC 20231

- ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
- Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
a. ☐ Computer Readable Form (CRF)
b. Specification Sequence Listing on:
i. ☐ CD-ROM or CD-R (2 copies); or
ii. ☐ paper
c. ☐ Statements verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

- ☐ Assignment Papers (cover sheet & document(s))
- ☐ 37 CFR 3.73(b) Statement of Power of Attorney (when there is an assignee)
- ☐ English Translation Document (if applicable)
- ☐ Information Disclosure Statement (IDS)/PTO-1449
- ☐ Preliminary Amendment
- ☒ Return Receipt Postcard (MPEP 503) (Should be specifically itemized)
- ☐ Certified Copy of Priority Document(s) (if foreign priority is claimed)
- ☐ Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent. Copy of Notification of applic.
- ☒ Other: **Filing of Continuation**

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☐ Divisional ☒ Continuation-in-part (CIP) of prior application No. _____
Prior application information: Examiner _____ Group Art Unit: _____

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS

☒ Customer Number or Bar Code Label (Insert Customer Number and Bar Code Label here) or ☐ Correspondence address below

Name **20793**
PATENT - TRADEMARK OFFICE

Address _____

City _____ State _____ Zip Code _____

Country _____ Telephone _____ Fax _____

Name (Print/Type) **R. RAYMOND HOODLIE, JR.** Registration No. (Attorney/Agent) **32,466**

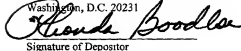
Signature *R. Raymond Hoodlie* Date **01/30/02**

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

CERTIFICATE OF MAILING

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below in an envelope as "Express Mail Post Office to Addressee" mailing Label Number E789635314US addressed to:

Assistant Commissioner for Patents
Washington, D.C. 20231



Signature of Depositor

Rhonda Goodloe
Print Name of Depositor

Date: January 30, 2002

IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE

Attention: Box Patent Application
Assistant Commissioner for Patents
Washington, D.C. 20231

NEW APPLICATION TRANSMITTAL

Transmitted herewith for filing is the patent application of:

Inventor(s): **EASTERBROOK, Eric T.**

For: (Title):

**METHOD AND APPARATUS FOR IMPROVING THE FATIGUE LIFE
OF COMPONENTS AND STRUCTURES**

1. Type of Application

This new application is for a(n)

- ☐ Original (nonprovisional)
☐ Design
☐ Divisional
☐ Continuation
☒ Continuation-In-Part (CIP)

20020130 013002 105645

2. Benefit of Prior U.S. Application(s) (35 U.S.C. §§ 119(e), 120, or 121).

☒ The new application being transmitted claims the benefit of prior U.S. application(s). Enclosed are ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S. APPLICATION(S) CLAIMED.

3. Papers Enclosed

- A. Required for filing date under 37 C.F.R. § 1.53(b) (Regular) or 37 C.F.R. § 1.153 (Design) Application

86 Pages of specification

25 Pages of claims

50 Sheets of drawings (Figs. 1-152)

- ☐ The enclosed drawings are photographs(s). Three (3) sets of photographs and a "PETITION TO ACCEPT PHOTOGRAPH(S) AS DRAWING(S)" are attached. 37 C.F.R. § 1.84(b).
- ☐ The enclosed drawings are in color. Three (3) sets of color drawings and a "PETITION TO ACCEPT COLOR DRAWINGS" are attached. 37 C.F.R. § 1.84 (a)(2) AND § 1.84 (b).
- ☒ formal
- ☐ informal

B. Other Papers Enclosed

- Pages of declaration and power of attorney
- 1 Pages of abstract
- Request for Non-publication of application
- X Other (Return Receipt Postcard/Notification of Filing Continuation Application)

4. Additional papers enclosed

- ☐ Amendment to claims
- ☐ Cancel in this application claims before calculating the filing fee. (At least one original independent claim must be retained for filing purposes).
- ☐ Add the claims shown on the attached amendment (Claims added have been numbered consecutively following the highest numbered original claims)
- ☐ Preliminary Amendment
- ☐ Information Disclosure Statement (37 C.F.R. § 1.98)
- ☐ Form PTO-1449

1006403-012002

- ☐ Citations
5. Declaration or Oath (including Power of Attorney)

- ☐ Enclosed
Executed by the inventors
☒ Not enclosed

6. Inventorship Statement

The inventorship for all the claims in this application are:

- ☒ The same
☐ Not the same. An explanation, including the ownership of the various claims at the time the last claimed invention was made,

- ☐ is submitted.
☐ will be submitted.

7. Language

- ☒ English

8. Assignment

- ☒ An assignment of the invention to STRESSWAVE, INC.
☐ is attached.
A separate ☐ COVER SHEET FOR ASSIGNMENT (DOCUMENT) ACCOMPANYING NEW PATENT APPLICATION or ☐ Form PTO 1595 is also attached.
☒ will follow.

- ☐ This is a ☐ continuation ☐ divisional application and the assignment document for the parent application 0 / was filed .

9. Certified Copy

Certified copy(ies) of application(s):

Country	Appln. No.	Filed
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Country	Appln. No.	Filed
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from which priority is claimed

- ☐ is (are) attached.
☐ will follow.

20061028.013002

01/30/02

10056402-013002

JC951 U.S. PTO

10. Fee Calculation (37 C.F.R. § 1.16)

A. ☒ Regular Application

CLAIMS AS FILED			
Number Filed	Number Extra	Rate	Basic Fee 37 CFR. §1.16 (a) \$740.00
Total Claims (37 CFR § 1.16c) <u>86</u> - 20 =	<u>66</u>	X \$18.00	\$ <u>1188.00</u>
Independent Claims (37 CFR § 1.16b) <u>13</u> - 3 =	<u>10</u>	X \$84.00	\$ <u>840.00</u>
Multiple dependent claims (37 CFR § 1.16) _____		+ \$280.00	\$ <u>280.00</u>

- ☐ Amendment canceling extra claims is enclosed.
☐ Amendment deleting multiple-dependencies is enclosed.
☐ Fee for extra claims not being paid at this time.

FILING FEE CALCULATION: \$ 3,048.00

B. ☐ Design application
 (\$330.00 - 37 C.F.R. § 1.16(f))

FILING FEE CALCULATION: \$ _____

11. Assertion of Small Entity Status

☒ Applicant hereby asserts status as a small entity under 37 C.F.R. § 1.27.

☐ Status as a small entity was asserted in the prior application _____, filed on _____ from which benefit is being claimed for this application under:

35 U.S.C. § ☐ 119 (e),
☐ 120,
☐ 121
☐ 365 (c),

and which status as a small entity is proper and asserted for this application.

☐ A copy of the written assertion of small entity filed in the prior application is included.

Filing Fee Calculation (50% of A, B, or C above).

\$ 1524.⁰⁰

12. Fee Payment Being Made At This Time

- ☒ Not enclosed.
☒ No filing fee is to be paid at this time.

☐ Enclosed

☐ Filing Fee: \$ _____
☐ Recording Assignment \$ _____
(\$40.00; 37 C.F.R. § 1.21 (h)) \$ _____

TOTAL FEES ENCLOSED: \$ _____

13. Method of Payment of Fees

- ☐ Check in the amount of \$ _____
☐ Authorization is hereby made to charge the amount of \$ _____ to Deposit Account No. _____.
A duplicate of this transmittal is attached.
☐ Charge any additional fees required by this paper or credit any overpayment in the manner authorized above.

14. Authorization to Charge Additional Fees

☒ The Office is hereby authorized, (in the manner shown above), to charge the following additional fees by this paper and during the entire pendency of this application to Account No.: 07-1613.

- ☐ 37 C.F.R. § 1.16(a), (f) or (g) (filing fees)
☒ 37 C.F.R. § 1.16(b), (c) and (d) (presentation of extra claims)
☐ 37 C.F.R. § 1.16(e) (surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application)
☒ 37 C.F.R. § 1.17(a)(1)-(5) (extension fees pursuant to § 1.136(a)).
☐ 37 C.F.R. § 1.17 (application processing fees)
☐ 37 C.F.R. § 1.18 (issue fee at or before mailing of Notice of Allowance, pursuant to 37 C.F.R. § 1.311(b)).

1006403-013002


15. Instructions as to Overpayment

☒ Credit Account No.: 07-1613.

Date: January 30, 2002

Phone: 253-859-9128
Fax: 253-859-8915

Customer
No.: 20793



SIGNATURE OF ATTORNEY

R. Reams Goodloe, Jr.
Reg. No. 32,466

Suite 3
10725 - S.E. 256th Street
Kent, Washington
98031-6426

1066403-013002

☒ **Incorporation by reference of added pages**

- ☒ Plus Added Pages for New Application Transmittal Where Benefit of Prior U.S. Application(s) Claimed

Number of pages added: 3

- ☐ Plus Added Pages for Papers Referred to in Item 4 above.

Number of pages added: _____

- ☐ Plus added pages deleting names of inventor(s) named in prior application(s) who is/are no longer inventor(s) of the subject matter claimed in this application.

Number of pages added: _____

- ☐ Plus "Assignment Cover Letter Accompanying New Application"

Number of pages added: _____

☐ **Statement Where No Further Pages Added**

- ☐ This transmittal ends with this page.

10066408-013002

ADDED PAGES FOR APPLICATION TRANSMITTAL WHERE BENEFIT OF
PRIOR U.S. APPLICATION CLAIMED

16. Relate Back

☒ Amend the application by inserting, before the first line, the following sentence:

A. 35 USC § 119(e)

☐ "This application claims the benefit of U.S.
Provisional Application(s) No(s) :
Application No.: ____/____ Filed: _____

B. 35 USC §§ 120, 121 and 365(c)

- ☒ "This application is a
☐ continuation
☒ continuation-in-part
☐ divisional

of copending application(s)

- ☒ Application number _____ filed on January 23, 2002, which claims priority under 35 USC § 120 and was a continuation-in-part of prior copending U.S. application No. 09/858,325 filed May 15, 2001, which claims priority under 35 USC § 120 and was a continuation-in-part of prior copending U.S. Application No. 09/668,769 filed September 22, 2000, which was a continuation-in-part of prior copending U.S. Application No. 09/401,065 filed September 22, 1999 (now Patent No. 6,230,537 issued May 15, 2001), which application claimed priority under 35 USC § 120 and was a continuation-in-part of application no. 09/270,428 filed on March 16, 1999 which claimed the benefit of provisional application no. 60/078,356 filed on March 17, 1998 under 35 USC § 119(e) .

- ☐ International Application _____
filed on _____ and which
designated the U.S."

- ☐ "The nonprovisional application designated above,
namely application _____/_____, filed
_____ claims the benefit of U.S. Provisional
Application(s) No.(s) : _____

Application No.: ____/____ Filed: _____

17. Relate Back - 356 USC § 119 Priority Claim for Prior Application

The prior U.S. application(s), including any prior International Application designating the U.S., identified above in item 16B, in turn itself claim(s) foreign priority(ies) as follows:

Country	Application No.	Filed on
The certified copy(ies) has (have)		

- ☐ been filed on _____, in prior application
☐ is (are) attached, which was filed on _____.

18. Maintenance of Copendency of Prior Application

- A. ☐ Extension of time in prior application
☐ A petition, fee and response extends the term in the pending prior application until _____.
☐ A copy of the petition filed in prior application is attached.
- B. ☐ Conditional Petition for Extension of Time in Prior Application
☐ A conditional petition for extension of time is being filed in the pending prior application.
☐ A copy of the conditional petition filed in the prior application is attached.

19. Further Inventorship Statement Where Benefit of Prior Application(s) Claimed

- (a) ☐ This application discloses and claims only subject matter disclosed in the prior application whose particulars are set out above and the inventor(s) in this application are:
- ☐ the same.
☐ less than those named in the prior application. It is requested that the following inventor(s) identified for the prior application be deleted:

- (b) ☐ This application discloses and claims additional disclosure ☐ by amendment and a new declaration or oath ☐ will be ☐ is filed. With respect to the prior application, the inventor(s) in this application are:
- ☐ the same.
☐ the following additional inventor(s) have been added:
-

- (c) ☒ The inventorship for all the claims in this application are:
- ☒ the same.
- ☐ not the same. An explanation, including the ownership of the various claims at the time the last claimed invention was made
- ☐ is submitted
☐ will be submitted.

20. Abandonment of Prior Application

☐ Please abandon the prior application at a time while the prior application is pending, or when the petition for extension of time or to revive in that application is granted, and when this application is granted a filing date, so as to make this application copending with said prior application.

21. Small Entity (37 CFR § 1.28(a))

- ☒ Applicant hereby asserts status as a small entity under 37 C.F.R. § 1.27.
- ☐ Applicant has established small entity status by the filing of a statement in parent application
- ☐ A copy of the statement previously filed is included.

22. NOTIFICATION IN PARENT APPLICATION OF THIS FILING

- ☒ A notification of the filing of this
- ☐ continuation
☒ continuation-in-part
☐ divisional

is being filed in the parent application, from which this application claims priority under 35 USC § 120.

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